

**KINGSBURG CITY COUNCIL  
REGULAR MEETING  
DECEMBER 20, 2006**

**5:00 P.M. to 6:00 P.M. CLOSED SESSION**

Mayor Bergstrom called the regular meeting of the Kingsburg City Council to order at 5:00 P. M.

Councilmembers present: Bruce Blayney, Paul Kruper, David Karstetter, Milo Smith, and Mayor Leland Bergstrom.

The Council adjourned to Closed Session to discuss the following items:

**Conference with Labor Negotiators**

Agency Designated Representative: (Kenneth Caves) –

Employee Organization: KPSEA (Kingsburg Public Service Employees Association); KPOA (Kingsburg Police Officers Association); KPFA (Kingsburg Professional Firefighters Association)

Government Code Section 54957.6

**Conference with Labor Negotiators**

Agency Designated Representative: City Manager Don Pauley -

Employee Organization: Unrepresented Employees

Government Code Section 54957.6

**7:00 P.M. REGULAR CITY COUNCIL MEETING**

Invocation was given by Henry Katz of the Kingsburg Assembly of God Church, followed by the Pledge of Allegiance led by Mayor Bergstrom.

**Call to Order and Roll Call**

At 7:04 P. M. Mayor Bergstrom called the regular meeting of the Kingsburg City Council to order.

Councilmembers present: Bruce Blayney, Paul Kruper, David Karstetter, Milo Smith, and Mayor Leland Bergstrom.

Staff present: City Manager Don Pauley, City Attorney Mike Noland, Assistant City Manager/Finance Director Don Jensen, City Engineer Dave Peters, Planning and Development Director Terry Schmal, Fire Chief Jim Proctor, Building Official Daryl Sonksen, and City Clerk Sue Bauch.

Others present: Larry Raven, representing the Raven Co., Tim Howard, representing D. R. Horton, and Barbie Shakespeare, representing the Kingsburg Centennial Committee

**Public Comments** – None

**Approve Agenda** – A motion was made by Councilmember Karstetter, seconded by Councilmember Smith, to approve the agenda as published. The motion carried by unanimous aye voice vote.

**Scheduled Oral Presentation** - Larry Raven – Fire Sprinkler requirements for existing buildings over 5,000 sq. ft.

Mr. Larry Raven, 3504 E. Huntington Blvd., Fresno, stated that he was here to discuss the fire sprinkler requirements in buildings over 5,000 sq. ft. He stated that in August 2005 he had purchased the former Valley Inn Building on Simpson Street. As a result of the fire which destroyed NAPA Auto Parts, we negotiated a lease for it to relocate in this building. He stated that we went through the City to determine that the zone was appropriate, meeting with the City's Planning and Development Director, Terry Schmal, and Building Official Daryl Sonksen. He stated that we got a permit for a handicap accessible restroom and had the Building Inspector walk through, which resulted in our having to move some things around to accommodate this new tenant. We felt that we had complied 100% with City conditions.

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Mr. Raven stated that the Building Inspector did tell us that the Fire Marshall would need to walk through the building. He stated that maybe we jumped the gun by going ahead and stocking the building because when the Fire Captain came through, he told us that we needed to put in a full-blown sprinkler system. He stated that we are not arguing with this. We are really coming here to get a temporary occupancy permit to allow us time to meet the fire sprinkler requirements and to talk about what is reasonable. He stated that we have been back and forth with the City for three months and no one had mentioned that he had to install a fire sprinkler system. Then, the day they were to open, they were surprised with this. He stated that he has since gotten a crash course on fire sprinklers, with some estimates, and has determined that they would need at least 60 days to accomplish the design work and to install the system.

In ensuing discussion Councilmember Kruper stated that he understands that it is Mr. Raven's intention to get it done as soon as possible. Mr. Raven stated that after the engineering is accomplished, they could get it done in about two weeks. He stated that he thinks that it could be done in a total of 60 days. Councilmember Blayney asked if the Council has the authority to give him temporary occupancy, with conditions. City Attorney Mike Noland stated that the Ordinance requires the installation of the system. He stated that he is in the process of creating a temporary occupancy certificate if that is the direction of the Council, but the Council cannot vote on it tonight. He stated that you can direct staff to do something in response to Mr. Raven's request. Councilmember Blayney suggested that we direct staff to prepare a hold harmless agreement that would allow them to open temporarily with a contract to install the fire sprinklers within 90 days, and have it as a bonded document.

Discussion continued touching on what is "reasonable", how restrictive the Code is, and an explanation from the Building Official as to what triggered this requirement and what liability the City might incur if the Code is not followed. In comments from Fire Chief Jim Proctor, he stated that he could not step up and allow occupancy without a contract to assure that the sprinkler requirement would be met. The Fire Chief also commented that the Fire Department has designated that a certain type of fire extinguishers be installed. If this has been done, we will go back and sign off on them. As far as the sprinkler requirement, Chief Proctor stated that he would encourage the City to stay within the ordinance and that any temporary occupancy be bonded, with a hold harmless agreement.

An irrevocable cash deposit with a hold harmless agreement to release the City from liability, naming the City as an additional insured for NAPA and Raven, with a time specific for the sprinkler improvements to be installed, (90 days), with a condition that the property be vacated if timeframe is not met, was suggested. It was the consensus of the Council that staff be directed to proceed with a draft document incorporating the points discussed.

**Consent Calendar** – A motion was made by Councilmember Karstetter, seconded by Councilmember Kruper, to approve or accept the items appearing on the Consent Calendar. The motion carried by unanimous aye voice vote.

**Approval of City Council Minutes** – Approve minutes from the Regular City Council meeting held on December 6, 2006 as prepared by City Clerk Sue Bauch.

**Check Register** - Ratify/approve payment of bills listed by Assistant City Manager/Finance Director Don Jensen on the check register for December 1, 2006 through December 14, 2006.

**Financial Summary** - Accept the Financial Summary for the month of November 2006 as prepared by Assistant City Manager/Finance Director Don Jensen.

**Five Cities Economic Development Authority** – Authorize Mayor to execute the second amendment to the Amended Joint Powers Agreement Creating the Five Cities Economic Development Authority. Report prepared by City Manager Don Pauley.

**Kingsburg Public Service Employees Association (KPSEA)** – Memorandum of Understanding (MOU) – Approve the 2007 – 2011 MOU between the City of Kingsburg and the KPSEA to be effective January 1, 2007. Memorandum of Understanding prepared by Labor Negotiator Dr. Kenneth Caves.

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**Technical Support Agreement for Fire Department for Medical Billing Software –**

Authorize the Fire Chief to enter into an agreement with Ortivus, Inc. for software support services for the Fire Department's medical billing software. Authorize the Fire Chief to enter into this support services agreement on an annual basis so long as the Department continues to use current billing software. Report prepared by Fire Chief Jim Proctor.

**Pulled Consent Calendar Items:** None

**REGULAR CALENDAR**

**Centennial Committee** – Consider oral presentation by Centennial Committee Chairperson Barbie Shakespeare.

Barbie Shakespeare, Co-Chair of the Centennial Committee, reviewed the list of proposed projects for the Centennial Celebration. She stated that they want to team with the Swedish Festival planners and a representative will be attending the Chamber meetings. Mayor Bergstrom noted that other ethnic groups are also willing to work with this Committee. They meet the first Monday of each month.

**“Early Start” Arrangements for Housing Subdivisions** – Consider report as prepared by Planning and Development Director Terry Schmal.

It was determined that even though Councilmember Karstetter had been in a meeting when this topic was touched on, it was a general discussion without terms and conditions, therefore he would not have to withdraw from this discussion.

Planning and Development Director Terry Schmal stated that this issue was brought to you two meetings ago. Per Council direction, staff has done some research. Included in the report is information from the surrounding cities and information from the previous City's quick start policy from 1992, rescinded in 1993. Mr. Schmal explained that in 1992 the conflict was with tract subdividers and custom home builders. Councilmember Smith stated that he was here at that time and he is against having a quick start policy. The basic principal is the same and it is a difficult situation for us to rectify if there is a problem.

Councilmember Kruper stated that what the developer is asking makes sense but we are trying to walk a fine line. Councilmember Blayney stated that he is concerned that we would be giving preferential treatment to tract home builders. It was noted that if we did the same as the City Selma, then there would be a more even playing field. Tim Howard stated that this is a complicated and confusing issue but something could be worked out with Council and staff to make it work. He stated that clearly there was abuse of the policy in 1992/93. He stated that we would not be asking for a certificate of occupancy until the entire tract is completed. He noted that we can't sell a house until there is a certificate of occupancy unless you are paying cash. Councilmember Blayney stated that part of the problem is that some times things fall through the cracks. He stated that he would like to see something that would work with both the custom builder and the tract builder.

Discussion continued regarding the fact that once a house is built, someone can move in and once they are in, legally or illegally, then it is difficult to get them out. Also, at what point the infrastructure would have to be when models are allowed and the difficulty of designing a policy that protects everyone.

City Attorney Mike Noland stated that the Council will need to determine if they want staff to investigate further. Or, you can direct staff to work on a draft ordinance for a workshop or a future meeting. Mayor Bergstrom asked if the City Attorney could furnish a draft ordinance for a joint meeting of the Council and Planning Commission. Councilmember Blayney stated that he would like real estate, developers, and builders involved in the discussion with a sub-group of City Council. City Attorney Mike Noland stated that the Council can schedule a public meeting and notice in the paper inviting the public to speak about this issue.

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City Engineer Dave Peters stated that looking at this strictly from an engineering stand point, reasons why you wouldn't want to do this are: (1) if you do try to do things faster then more mistakes are made and, (2) depending on how the policy is structured, there can be engineering issues, such as sewer, that could cause a strain on staff. The ordinance would have to address all potential issues.

Councilmember Blayney then moved that staff schedule a workshop meeting, with open invitation to all real estate agents in town and those in the development community, to discuss this item to try to come up with a system that would work. Councilmember Kruper seconded the motion which carried, four ayes, Councilmember Smith voting no.

**Council Reports and Staff Communications:**

- a. **Annual Reserve Police Officer and CSO Appreciation Dinner** – Council attendance at the Saturday, January 6, 2007 Appreciation Dinner was determined. The dinner will be held at 6:00 P.M. at the Kingsburg Police Department.
- b. **January Blueprint Event: Valley Blueprint 2050** – January 11, 2007 at 4:30 P.M. Mayor Bergstrom will attend, Councilmember Karstetter, indefinite.
- c. **Transit** – It was reported that Jeff Webster will start working on transportation issues.

**Adjournment** – At 9:13 P. M. a motion was made by Councilmember Blayney, seconded by Councilmember Kruper, to adjourn the Kingsburg City Council. The motion carried unanimously.

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Sue Bauch, City Clerk